

**DECLARATION CLAIMING SMALL ENTITY STATUS  
PURSUANT TO 37 CFR 1.9(f) and 1.27(c)**

-----  
**SMALL BUSINESS CONCERN**  
-----

I hereby declare that I am an officer of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Netrake Corporation  
ADDRESS OF CONCERN: 3000 Technology Drive  
Suite 100  
Plano, Texas 75074

The above identified small concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is averaged over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

**METHOD AND DEVICE FOR INNOCULATING EMAIL INFECTED WITH A VIRUS**

by inventor(s): Robert Daniel Maher, III, Brian Michael Forbes, Milton Andre Lie, and Mark Warden Hervin.

Rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\*

None

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

No rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name and Title: Joel Fontenot, President

Address: 3000 Technology Drive  
Suite 100  
Plano, Texas 75074

Signature

Date August 29, 2000

**DECLARATION CLAIMING SMALL ENTITY STATUS  
PURSUANT TO 37 CFR 1.9(f) and 1.27(c)**

-----  
**INDIVIDUAL INVENTORS**  
-----

We hereby declare that, as below named inventors, We qualify as joint independent inventors as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, with regard to the invention, entitled:

**METHOD AND DEVICE FOR INNOCULATING EMAIL INFECTED WITH A VIRUS**

Filed concurrently herewith

We have not assigned, granted, conveyed, or licensed and are under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). Each person, concern or organization to which we have or are under obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

Netrake Corporation  
3000 Technology Drive, Suite 100  
Plano, Texas 75074

☐ Individual  
☒ Small Business Concern  
☐ Nonprofit Organization

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Robert Daniel Maher, III  
Address: 7401 Gurney Drive  
Plano, Texas 75024

Robert Daniel Maher 8/28/00  
Signature Date

Name: Brian Michael Forbes  
Address: 4513 Southgate  
Plano, Texas 75204

Brian Michael Forbes 8/29/00  
Signature Date

Name: Milton Andre Lie  
Address: 5913 Spring Hill Drive  
McKinney, Texas 75070

Milton Andre Lie 8-28-00  
Signature Date

Name: Mark Warden Hervin  
Address: 3605 Bent Ridge Drive  
Plano, Texas 75074

Mark Warden Hervin 8/29/00  
Signature Date

## **DECLARATION AND POWER OF ATTORNEY**

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

### **METHOD AND DEVICE FOR INNOCULATING EMAIL INFECTED WITH A VIRUS**

the specification of which is attached hereto.

We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

We acknowledge the duty to disclose to the Office all information known to us to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56.

We hereby claim no foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate on which priority is claimed.

We hereby claim no benefit under 35 U.S.C. § 120 of any United States application(s) for patent. We acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

We hereby appoint:

CRAIG J. COX, Registration No. 39,643;

General Counsel of Netrake Corporation, attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to:

Craig J. Cox  
NETRAKE CORPORATION  
3000 Technology Drive, Suite 100  
Plano, Texas 75074

Direct telephone calls to:

Craig J. Cox  
at (214) 291.1050

Atty. Docket No.:

NR-5

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: Robert Daniel Maher, III

Inventor's signature: Robert Daniel Maher III

Date: 8/28, 2000

Residence (City, County, State): Plano, Collin County, Texas

Post Office Address: 7401 Gurney Drive  
Plano, Texas 75024

Citizenship: United States of America

Full name of second inventor: Brian Michael Forbes

Inventor's signature: Brian Michael Forbes

Date: 8/29, 2000

Residence (City, County, State): Plano, Collin County, Texas

Post Office Address: 4513 Southgate  
Plano, Texas 75204

Citizenship: United States of America

Full name of third inventor: Milton Andre Lie

Inventor's signature: Milton Andre Lie

Date: Aug 28, 2000

Residence (City, County, State): McKinney, Collin County, Texas

Post Office Address: 5913 Spring Hill Drive  
McKinney, Texas 75070

Citizenship: Suriname

Full name of fourth inventor: Mark Warden Hervin

Inventor's signature: Mark W. Hervin

Date: 8/29/00, 2000

Residence (City, County, State): Plano, Collin County, Texas

Post Office Address: 3605 Bent Ridge Drive  
Plano, Texas 75074

Citizenship: United States of America